

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LABORERS' PENSION FUND and)
LABORERS' WELFARE FUND OF THE)
HEALTH AND WELFARE DEPARTMENT)
OF THE CONSTRUCTION AND GENERAL)
LABORERS' DISTRICT COUNCIL OF)
CHICAGO AND VICINITY, JAMES S.)
JORGENSEN,)
Plaintiffs,)
v.) No. 07 C 7260
BILL HARRIS MASONRY, INC.)
Defendant.)
Judge Zagel

PLAINTIFFS' MOTION FOR TURNOVER ORDER

Plaintiffs, by their attorneys, request this Court order third party defendant, Foundser Bank, to release the funds held in the amount of \$1,066.68 to the plaintiffs. In support of this motion the plaintiffs state as follows:

1. On March 6, 2008, a judgment was entered on behalf of the plaintiffs, the Laborers' Pension Fund and the Laborers' Welfare Fund of the Health and Welfare Department of the Construction and General Laborers' District Council of Chicago and Vicinity, and against the defendant Bill Harris Masonry for \$55,128.56.
2. A citation to discover assets notice was issued to Founders Bank or about May 27, 2008. Founders Bank responded on May 30, 2008, stating that they are holding over the amount of \$1,066.68. (See, attached answer)
3. Rule 64 of the F. R. Civ. P., provides that the seizure of property for the purpose of securing satisfaction of the judgment, is available under the circumstances and in the manner provided by law of the state in which the district court is held.
4. Illinois law provides in the Civil Practice Act, 735 ILCS Section 2-1402 (3), that a judgment creditor can compel any person cited to deliver any assets so discovered to be applied in satisfaction of the judgment.

Wherefore, the plaintiffs request this Court enter the attached order requiring Founders Bank

to turnover the amount of \$1,066.68, to the plaintiffs by check payable to the Laborers Pension and Health and Welfare Funds.

Respectfully submitted,

/s/ Angie M. Cowan
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June 4, 2008

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Judge Zagel

TURNOVER ORDER

This cause coming before this Court on the Plaintiffs' Motion for Turnover Order, the court having been advised that Founders Bank, the third-party defendant holds \$1,066.68 in funds pursuant to a citation to discover assets notice.

IT IS HEREBY ORDERED that Founders Bank shall turnover \$1,066.68 to the plaintiffs, by check payable to the Laborers' Pension and Health and Welfare Funds.

E N T E R E D

United States District Court

Date _____